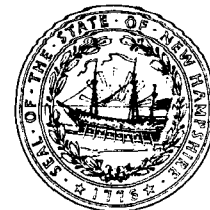




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

August 18, 2004

LETTER OF DEFICIENCY #WSEB 04-117

Certified Mail# 7000 0600 0023 9933 3380

John Weeden
365 Sixth Street
Dover, NH 03820

Subject: Public Water System: Rochester - Amazon Park; EPA #2003070
Sample Site: 003 – Source Tap in Pumphouse/003

Dear Mr. Weeden:

The records of the Department of Environmental Services (DES) show that the Amazon Park system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

The current enforceable maximum contaminant level (MCL) for Methyl-Tert-Butyl-Ether (MtBE) is 13 ug/L. For systems on quarterly monitoring, compliance with the MtBE MCL is determined by calculating the system's running annual average (RAA), which is the average of all MtBE samples collected in the past 12 months. Amazon Park water system's Quarter-3, 2004 MtBE sample result of 31 ug/L causes the system's MtBE RAA to be 22 ug/L. As such, the system has exceeded the MtBE MCL and therefore a violation has occurred.

DES believes the MCL violation can be corrected and future violations prevented by taking the following actions:

1. **Continue** to provide appropriate alternate (*i.e.* bottled) water at areas accessible to consumers until the violation is corrected. A Notice of Violation dated June 7, 2004, was sent to you (copy enclosed) requiring that you provide alternate water to customers for consumptive needs for as long as the RAA exceeds the MCL. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389;
2. **By September 3, 2004**, send written confirmation to DES that alternate water is being provided to consumers;
3. **By September 15, 2004**, provide public notice to all consumers following the guidelines in the enclosed public notice handout. Provide proof of public notice to this office within 10 days of issuing the public notice. Continue providing public notice **each calendar quarter** for as long as the exceedence occurs;

4. **By September 22, 2004,** retain the services of a qualified consultant to address the water quality violation and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data prior to making recommendations for correcting the MCL violation;
5. **By October 18, 2004,** submit to DES for approval the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system; and
6. Correct the violation by the DES-approved correction date. Notify DES in writing of the correction(s) taken.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Selina J. Makofsky by phone at (603) 271-4109 or email at smakofsky@des.state.nh.us, or Alan Leach by phone at (603) 271-2854 or email at aleach@des.state.nh.us should you have any questions about the requests listed in this letter.

Sincerely,

COPY

Rene Pelletier, P.G., Manager
Land Resource Programs

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Enc. Notice of Violation dated June 7, 2004
MtBE Fact Sheet
Public Notice Form

cc: Gretchen R. Hamel, Administrator, DES Legal Unit
Town of Rochester Health Officer (w/o enc.)
Dave Gordon, DHHS Health Risk Assessment Bureau (w/o enc.)
Jeanne Lawson, DES WSEB
Dave Reid, DES WMD
US EPA Region 1 (w/o enc.)